THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/777,008 Appl. No.

MARTIN, Emil, et al. **Applicant** February 11, 2004 Filed

Treatment or Prevention of cGMP-dependent Pathophysiology For

with a Mutant Variant of Soluble Guanylyl Cyclase

TC/A.U.

Examiner GITOMER, Ralph J.

Customer No.: 23505

Confirmation No. 3412

Atty. Dkt. No.: 2105-00101 Date: May 2, 2005

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

This Information Disclosure Statement, including completed Form PTO-1449, comprises a list of pertinent art of which Applicants are aware.

The submission of this Information Disclosure Statement and the references submitted therewith is not an admission that the art cited is "prior" with respect to the present invention, nor is it a representation, that no better art exists. Applicants hereby reserve the right to swear behind or otherwise disprove any alleged "prior" nature of any art cited should the facts support and the situation warrant such an action. It is submitted that the art cited does not constitute a bar to the patentability of Applicants' invention under 35 U.S.C. § 102 or § 103.

No Office Action on the merits has been received in the present application. In the event that an Office Action dated prior to the mailing date of this Information Disclosure Statement has been issued, please charge Deposit Account 03-2769, Conley Rose, P.C., in the amount of \$180, so that this Information Disclosure Statement may be considered under Rule 1.97(c).

05/04/2005 FHETEKI1 00000036 032769

180.00 DA 01 FC:1806

Adjustment Date: 06/20/2005 SDIRET 05/04/2005 FMETEKI1 00000036 032769 01 FC:1806 180.00 CR

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Respectfully submitted,

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1

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The charge indicated for Serial No 10/777,008, fee code 1806 is in error. No fee is due for the filing of this Supplemental Information Disclosure Statement because no Office Action on the merits has been received in the present application as of the date of mailing this Supplemental Information Disclosure Statement. Please credit Account 03-2769 of Conley Rose, P.C. the \$180.00 charged in error.

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